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REJECTION OVER A PRIOR PATENTDocket Number (Optional)
02-02 US

In re Application of:

Application No.: 10/077,723

Filed: February 14, 2004

For: "Fiber Optic Channel Selecting Apparatus"

The owner*, VARIAN, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,611,334 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

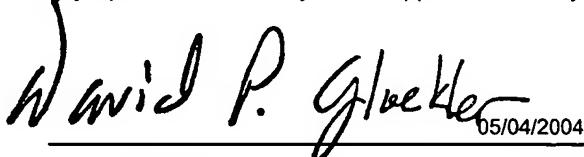
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2. The undersigned is an attorney or agent of record.



05/04/2004

Signature

Date

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Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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